

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Tanya Lynn Cetina,)	
)	
Plaintiff,)	Civil Action No. 6:12-2222-TMC
)	
v.)	OPINION & ORDER
)	
Michelin North America,)	
Newbold Services,)	
Clint Morgan,)	
Dave Murphy,)	
Dave Brown,)	
Dave Mauger,)	
)	
Defendant.)	
)	
)	

This matter is before the court for a review of the magistrate judge's Report and Recommendation ("Report") filed on May 23, 2013, recommending that Defendant Michelin North America's ("Michelin") Motion to Dismiss (ECF No. 74) and Defendant Dave Mauger's ("Mauger") Motion to Dismiss (ECF No. 89) be granted. (ECF No. 192).¹ The magistrate judge provided Plaintiff a notice advising her of her right to file objections to the Report. (ECF No. 192, Attach. 1). However, the plaintiff has not filed any objections to the Report, and the time to do so has run.

In the absence of objections to the Report, this court is not required to provide an explanation for adopting the magistrate judge's recommendation. *See Camby v. Davis*, 718 F.2d

¹ The Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). Accordingly, the court may accept, reject, or modify, in whole or in part, the Report, or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Furthermore, failure to file specific written objections to the Report results in a party’s waiver of the right to appeal from the judgment of the District Court based upon the magistrate judge’s recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough and careful review of the record, the court adopts the Report and incorporates it herein by reference. Accordingly, Michelin’s Motion to Dismiss (ECF No. 74) and Mauger’s Motion to Dismiss (ECF No. 89) are **GRANTED**.

IT IS SO ORDERED.

s/ Timothy M. Cain
United States District Judge

Anderson, South Carolina
June 11, 2013

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, if applicable.